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UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE

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STATE FORESTRY LAWS

A parallel classification showing the comparative progress of each State in forestry legislation

NEW HAMPSHIRE

(Serial 1—Through Reg. Sess., 1915)

Compiled in the Office of State Cooperation by Jeannie S. Peyton

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PURPOSE OF COMPILATION.

Information about the forestry laws of the various States, especially about those laws dealing with certain specific problems, is being demanded more and more; and requests for such information, coming from legislators, State administrative officers, forestry associations, forest schools, and other bodies and individuals, have led to the compilation, informally, of such State laws as bear more or less directly on the practice of forestry.

The purpose of the compilation, of which this serial is a part, is to make easy a comparative study of the laws of the different States and to further the development of practical forestry legislation. By the classification of the laws and parts of laws under the headings, "Administration," "Fire Protection," "Public Forests," and "Taxation," the comparison is simplified, and the progress of each State, or lack of it, in these particulars is clearly shown.

The better to accomplish this educational aim, the great mass of timber and tree laws and those finer points of reference proper only to a legal or administrative manual have been omitted. Boldface type indicates explanatory matter not a part of the text; italic indicates cross-references.

In order to facilitate the work of reconstructing the acts and parts of acts herein compiled and analyzed, a Table of Acts is added, on page 13, showing the order in which the subject matter occurs in the text of the acts, in their present revised form.



## PART I.—ADMINISTRATION.

(This part comprises the provisions of law, if any, defining the general administrative duties of the regularly constituted State forestry officials; also certain miscellaneous forestry provisions. For specific provisions, if any, concerning administrative duties of these or other State officers in connection with forest fires, State and municipal forests or other State lands, or forest taxation, see Parts II, III, and IV, respectively.)

FORESTRY COMMISSION.<sup>1</sup>

## 1. Created—Personnel—Term of Office.

On the first day of May, 1909, the governor, with the advice of the council, shall appoint a forestry commission of three members, one of whom shall hold office for one year, one for two years, and one for three years, and thereafter shall appoint their successors for terms of three years each; [No compensation—Expenses.—] the said commissioners to serve without compensation, but to receive for their legitimate expenses in the exercise of their duties such sums as the governor and council shall audit and approve, to be paid from the treasury upon warrant of the governor. [L. 1909, ch. 128, sec. 1.]

## 2. Contracts with Nurserymen, in Behalf of Landowners, for Forest Tree Seeds and Seedlings.

In order to facilitate the planting of trees as hereinbefore provided,<sup>2</sup> the forestry commission is hereby authorized and directed to contract, without expense to the state, upon terms to be approved by the governor and council, with reputable nurserymen to provide, at a price to be determined upon, seeds and seedlings of timber or forest trees, to landowners for planting within this state in accordance with the terms of section 1 of this act.<sup>3</sup> [L. 1903, ch. 124, sec. 3 [2].]

## Other Duties.

*Appoints State forester.* (See I, 3 ¶1.)

*Supervises all forestry work.* (See I, 4.)

*Approves employment of assistants by State forester.* (See I, 5.)

*Reports biennially to the governor.* (See I, 10.)

*Executive officer of, is the State forester.* (See I, 4.)

## STATE FORESTER.

## 3. Appointment—Term of Office—Salary and Expenses.

¶ 1. The forestry commission shall appoint a state forester to serve at the will of the commission at a salary to be fixed by them not exceeding \$2,500 a year. **Traveling expenses.**—¶ 2. \* \* \* [he] shall be allowed reasonable traveling field expenses and office expenses in the necessary performance of his official duties and \* \* \* [L. 1909, ch. 128, sec. 2; \* \* \*; L. 1913, ch. 159, sec. 1.]

## 4. Acts as Executive Officer of the Forestry Commission.

The state forester shall, under the supervision of the forestry commission, execute all matters pertaining to

forestry within the jurisdiction of the state, and \* \* \* [L. 1909, ch. 128, sec. 2; \* \* \*; L. 1913, ch. 159, sec. 1.]

## 5. Hires Assistants.

\* \* \* within the limits of the appropriation, [he] may hire such field and office assistants as in the judgment of the commission is necessary for the proper execution of his duties, and \* \* \* [L. 1909, ch. 128, sec. 2; \* \* \*; L. 1913, ch. 159, sec. 1.]

## 6. Gives Courses in Forestry, and Conducts Exhibits at Fairs.

He shall, as far as his other duties may permit, carry on an educational course of lectures within the state, and may conduct exhibits on forestry at fairs within the state. [L. 1909, ch. 128, sec. 2; \* \* \*; L. 1913, ch. 159, sec. 1.]

## 7. Conducts Forestry Investigations, and Publishes Literature on the Subject.

He may, under the direction of the forestry commission, conduct investigations within the state on forestry matters and publish for distribution literature of scientific or general interest pertaining thereto. [L. 1909, ch. 128, sec. 2; \* \* \*; L. 1913, ch. 159, sec. 1.]

## 8. Cooperates with the Following:

a. **With the Federal Government.**—[The State forester] upon terms approved by the forestry commission, may enter into co-operation with departments of the federal government for the promotion of forestry work within the state. [L. 1909, ch. 128, sec. 2; \* \* \*; L. 1913, ch. 159, sec. 1.]

b. **With counties, towns, corporations and individuals.**—¶ 1. The state forester shall, upon request and whenever he deems it essential to the best interest of the people of the state, co-operate with counties, towns, corporations, and individuals in preparing plans for the protection, management, and replacement of trees, woodlots, and timber tracts, on consideration and under an agreement that the parties obtaining such assistance pay his field expenses while he is employed in preparing said plans. [L. 1909, ch. 128, sec. 3.] ¶ 2. The state forester, under the direction of the commission, may execute free of charge to counties, municipalities, and public institutions owning land suitable for reforestation, a planting plan for the reforestation of such land, and may furnish trees free of charge, arrange for and supervise the planting of such land and any other land suitable for reforestation owned or acquired by the state; *provided*, that in the case of land owned by counties or municipalities, the said counties or municipalities shall pay the cost of planting the trees furnished by the state, shall protect and care for them as recommended by the state forester, and, when required, shall furnish the state forester with information

<sup>1</sup> Certain nonforestry duties are also conferred upon the forestry commission in connection with the tracts known as Cathedral and White Horse ledges. (See ch. 9, L. 1913, in volume of Session Laws.)

<sup>2</sup> See IV, 1.

<sup>3</sup> This provision appears to have fallen into disuse since the establishment of a State forest nursery provided more competent means of attaining the same ends. (See I, 9.)



## PART I—Contd.]

as to the condition and growth of the trees. [L. 1915, ch. 163, sec. 3.]

c. With the management of municipal forests. (See III, 9.)

## 9. Establishes and Maintains State Forest Nursery.

**Acquirement of land.**—The state forester, under the supervision of the forestry commission, is hereby empowered to acquire in the name of the state suitable land and maintain the same as a state forest nursery. **Management.**—He shall raise seedling trees of useful varieties for planting and shall, on terms approved by the commission, sell said seedling trees to persons who desire to plant them within the state. He may under the supervision of the commission enter into agreement with persons or institutions to grow seedling trees to be disposed of as above prescribed, if the commission deems it expedient so to do. [L. 1909, ch. 128, sec. 23; L. 1911, ch. 166, sec. 2.] **Revenues reinvested in the nursery.**—(See III, 3.)

## 10. Makes a Biennial Report, Recommendations, and Statement of Expenses.

He shall, under the direction of the forestry commission, prepare biennially a report to the governor on the progress and condition of state forest work and recommend therein plans for improving the state system of forest protection, management, replacement and extension. Such report shall contain an itemized statement of all expenses incurred or authorized by the state forester or by the forestry commission. [L. 1909, ch. 128, sec. 2; \* \* \*; L. 1913, ch. 159, sec. 1.]

## Other Duties.

*Directs and aids officers and employees in general forestry work.* (See II, 2.)

## DISTRICT CHIEFS.

## Duties.

*Perform such duties in the protection, improvement and extension of forests, as the State forester and the forestry commission may direct.* (See II, 9.)

## PART II.—FIRE PROTECTION.

(This part comprises the general provisions of law, if any, concerning protection from forest fires. For localized provisions, if any, concerning protection of State-owned lands, see Part III.)

## FORESTRY COMMISSION.

## Supervisory Duties.

*Directs the State forester as to the division of the State into fire districts.* (See II, 1.)

*Fixes wages and expenses of the district chiefs.* (See II, 8.)

*Fixes remuneration of forest fire wardens and deputy forest fire wardens, in conjunction with State forester.* (See II, 11.)

*Instructs wardens and other employees as to cooperating with railroad deputy forest fire wardens, and giving notice of, and combating fires along railroad rights of way.* (See II, 16.)

*Files complaint in cases of neglect or refusal of wardens or deputy wardens to perform duties.* (See II, 19.)

*Acquires lands under power of eminent domain, for observatory sites and rights of way in connection with lookout stations.* (See II, 4c.)

*Assists public service commission in enforcing the railroad forest fire act.<sup>1</sup>* (See II, 6a; 29.)

*Enforces requirements as to brush and slash disposal adjacent to rights of way of railroads and highways.* (See II, 35.)

## STATE FORESTER.

## 1. Divides the State into Fire Districts.

The state forester shall, under the direction of the forestry commission, divide the state into not more than four fire districts, fixing the boundaries of such districts according to efficiency of supervision, and \* \* \*. [L. 1909, ch. 128, sec. 6; \* \* \*; L. 1913, ch. 159, sec. 2.]

## 2. Directs and Aids Forest Fire Officers in their Work.

It shall be the duty of the state forester to direct, aid and cooperate with all district chiefs, forest fire wardens

and other employees of the state as provided for in this act<sup>1</sup> and see that they take such action as is authorized by law to prevent and extinguish forest fires and do other work which the forestry commission may undertake for the protection, improvement and extension of forests. [L. 1909, ch. 128, sec. 2; \* \* \*; L. 1913, ch. 159, sec. 1.]

## 3. Employs Various Means to Prevent and Extinguish Fires.

**Establishes supply stations for fire-fighting apparatus.**—For the purpose of prevention of fire, the state forester may establish at advantageous points throughout the state supply stations for tools and apparatus used in fire fighting and provisions necessary to men employed; **[Makes maps for use of district chiefs, and wardens.]** make proper maps for the use of district chiefs and forest fire wardens, **[Builds fire trails and fire lines.]** build fire trails and fire lines; **[Employs patrolmen.]** employ paid patrols at suitable points and at necessary times, and **[Uses other means needed.]** use other means as seem advisable to the commission within the limits of the appropriation. [L. 1909, ch. 128, sec. 26; L. 1911, ch. 166, sec. 2.]

## 4. Acquires and Maintains Lookout Stations.

a. **Existing stations—Purchase of equipment.**—The state forester, with the consent of the forestry commission, is empowered to purchase in the name of the state the equipment of the present mountain lookout stations and to maintain such stations thereafter, and \* \* \*

b. **Additional stations.**—[The State forester, with the consent of the forestry commission, is empowered] to es-

<sup>1</sup> L. 1913, ch. 155. (See table, on p. 13.)

<sup>1</sup> See table, on p. 13.



## PART II—Contd.]

establish and maintain additional mountain lookout stations connected by telephone lines to be used for the discovery and control of forest fires, and \* \* \*

*e. Acquires, in connection with stations, observatory sites and rights of way, by gifts, purchase, or power of eminent domain.* [The State forester] shall have the right to receive and hold in the name of the state gifts of land for observatory sites and rights of way for paths and telephone lines. If observatory sites or rights of way necessary for the maintenance and effective operation of lookout stations cannot be acquired by gift or purchase, the forestry commission shall have the right to acquire the same under the power of eminent domain, [Determination of values.—]and the value thereof shall be determined as in the case of lands taken for highways, with the same rights of appeal and jury trial. [L. 1909, ch. 128, sec. 24; L. 1911, ch. 166, sec. 2.]

*d. Cooperates with forestry departments of adjoining States in establishing and maintaining stations.*—The state forester may co-operate with the forestry departments of the states of Maine, Massachusetts, and Vermont in the establishment and maintenance jointly of lookout stations serving New Hampshire and any of the other said states. [L. 1909, ch. 128, sec. 24; L. 1911, ch. 166, sec. 2; L. 1915, ch. 12, sec. 1.]

#### 5. Calls Conferences of the Forest Fire Wardens, and Deputy Wardens, and Employees.

¶ 1. The state forester, under the direction of the forestry commission, may call conferences of the forest fire wardens, deputy forest fire wardens, and other employees of the forestry department in different sections of the state for the purpose of improving the service. Secures attendance of expert foresters from without the State.—

¶ 2. He may, with the consent of the forestry commission, secure the attendance at such conferences of expert foresters from without the state, \* \* \* [L. 1909, ch. 128, sec. 25; L. 1911, ch. 166, sec. 2; L. 1915, ch. 127, sec. 1.]

#### 6. Assists Public Service Commission in Enforcing the Railroad Forest Fire Act.<sup>1</sup>

*a. Enters upon railroad or other property, when necessary—Reports to Public Service Commission.*—The forestry commission or its authorized agents shall have the right to enter upon railroad or other property to ascertain facts in regard to the carrying out of this act.<sup>1</sup> and from time to time shall report such facts to the public service commission. [L. 1913, ch. 155, sec. 5.]

*b. Furnishes information in cases concerning right of railroads to clear adjacent lands.* (See II, 29.)

#### Additional Duties.

*Appoints district chiefs.* (See II, 7.)

*Appoints and removes forest fire wardens, and deputy forest fire wardens:*

*a. In towns and cities.* (See II, 10a.)

*b. In unincorporated places.* (See II, 10b.)

*c. In connection with railroad operations.* (See II, 32.)

*Acts in conjunction with the forestry commission in fixing the remuneration of forest fire wardens and deputy wardens.* (See II, 11.)

*Directs patrol of woods by forest fire wardens and deputy wardens.* (See II, 12.)

*Audits and approves expense accounts of wardens and deputy wardens for preventing and fighting fires in unincorporated places.* (See II, 15b.)

*Regulates making of reports by forest fire wardens and deputy wardens.* (See II, 18.)

*Enforces the use of spark arresters on portable steam mills.* (See II, 34.)—*Prescribes form for report upon examination of mills.* (See II, 17.)

*Arrests violators without warrant, and lodges complaint against them.* (See II, 37a, b.)

*Reports cases of violations of fire laws to the attorney general of the State.* (See II, 38.)

### DISTRICT CHIEFS.

#### 7. Appointment—Term of Office.

[The State forester, under the direction of the forestry commission] may appoint a district chief in each [fire] district.<sup>1</sup> Said district chiefs shall serve at the will of the state forester and \* \* \*

[L. 1909, ch. 128, sec. 6; \* \* \*; L. 1913, ch. 159, sec. 2.]

#### 8. Wages and Expenses.

[The district chiefs] shall be allowed such wages and expenses as may be fixed by the forestry commission within the limits of the appropriation. [L. 1909, ch. 128, sec. 6; \* \* \*; L. 1913, ch. 159, sec. 2.]

#### 9. Direct Wardens and Deputies, and Perform Other Duties.

It shall be the duty of the district chief to assist the state forester in directing and aiding all forest fire wardens and deputy forest fire warden[s] in his district in the performance of their duties and to perform such duties as the state forester and forestry commission may direct in the protection, improvement, and extension of forests. [L. 1909, ch. 128, sec. 6; \* \* \*; L. 1913, ch. 159, sec. 2.]

### FOREST FIRE WARDENS AND DEPUTY FOREST FIRE WARDENS.

#### 10. Appointment—Term of Office—Removal.

*a. In towns and cities.*—The selectmen of all towns and the mayors of all cities shall, and other citizens may, as soon as may be, after this act takes effect, recommend to the state forester the names of such persons as may in their estimation be fit to fill the offices of forest fire warden and deputy forest fire warden in their respective towns and cities. After investigation the state forester may choose and appoint from the persons recommended, as above prescribed, not more than one competent person in each town or city to be the forest fire warden for said town or city and such deputy forest fire wardens as he deems necessary. Upon the appointment of a forest fire warden by the state forester in any town or city, the term of office

<sup>1</sup> L. 1913, ch. 155. (See table, on p. 13.)

<sup>1</sup> See II, 1.



## PART II—Contd.]

of the forest fire warden then or theretofore acting in said city or town shall immediately cease and the new appointee or appointees shall thereafter serve for one year, or until a successor is appointed as hereinbefore provided. The state forester shall have the power in the exercise of his discretion, to remove any forest fire warden or deputy forest fire warden from office. Upon the termination in any manner of the term of office of any forest fire warden or deputy forest fire warden, a successor shall be appointed in the manner hereinbefore provided for the appointment of such officers originally. [L. 1909, ch. 128, sec. 4; L. 1911, ch. 166, sec. 1.]

**b. In unincorporated places.**—In unincorporated places the state forester may appoint a forest fire warden and one or more deputy forest fire wardens [**Duties and powers same as those of town forest fire wardens.**—] to have the same powers and the same duties as the town forest fire wardens. When so appointed by the state forester, said forest fire wardens and deputy forest fire wardens shall succeed the present incumbent or incumbents, if any. The state forester shall have the power to remove said forest fire wardens and deputy forest fire wardens from office, at his discretion. [L. 1909, ch. 128, sec. 5; L. 1911, ch. 166, sec. 1.]

**c. In connection with railroad operations.**—(See II, 32.)

#### 11. Remuneration Fixed by Forestry Commission and State Forester.

Forest fire wardens and deputy forest fire wardens in towns and unincorporated places shall be allowed for their services such remuneration as may be fixed by the forestry commission and the state forester. [L. 1909, ch. 128, sec. 7; L. 1911, ch. 166, sec. 1.]

#### 12. Patrol the Woods, and Warn Campers and Others.

Forest fire wardens and deputy forest fire wardens, themselves, or some agent or agents designated by them, shall, when directed by the state forester, patrol the woods in their respective cities or towns,<sup>1</sup> warning persons who traverse the woods, campers, hunters, fishermen and others, about lighting and extinguishing fires. [L. 1909, ch. 128, sec. 4; L. 1911, ch. 166, sec. 1.]

#### 13. Post Fire Notices.

They shall post extracts from the fire laws, and other notices sent them by the state forester, along the highways, along streams and waters frequented by tourists and others, at camp sites, and in other public places. [L. 1909, ch. 128, sec. 4; L. 1911, ch. 166, sec. 1.]

#### 14. Extinguish Fires.

¶1. It shall be the duty of the forest fire warden and deputy fire warden to extinguish all brush and forest fires occurring in his town, [**Impress assistance and property.**—] and either of them may call such assistance as he deems

necessary to assist him in so doing, and may require the use of wagons, tools, horses, etc., for that purpose, but such authority shall not interfere with the authority of chiefs of city fire departments. **Penalty for refusing assistance or use of property.**—If any person fails to respond to the warden's call for his assistance or the use of his property, he shall be fined not exceeding ten dollars for each offense. \* \* \* **Compensation for property.**—¶2. The owners of all property required by the forest fire warden or deputy forest fire warden in the extinguishment of a forest or brush fire shall receive reasonable compensation therefor. [L. 1909, ch. 128, sec. 7; L. 1911, ch. 166, sec. 1.] **Disagreement as to fire-fighting compensation referred to county commissioners for settlement.**—¶3. In case the forest fire warden or deputy forest fire warden and the persons summoned to assist him or furnish the use of property, shall fail to agree upon the terms of compensation at the time or after the required service has been rendered, the dispute shall be referred to the commissioners of the county in which the city or town is located, for final settlement.<sup>1</sup> [L. 1909, ch. 128, sec. 8; L. 1911, ch. 166, sec. 1.]

#### 15. Render Account of Expenses.

**a. To selectmen or mayor, in towns and cities.**—The forest fire wardens shall render to the selectmen or the mayor, as the case may be, a statement of said expenses<sup>2</sup> within one month of the date they are incurred, which said bill shall show in detail the amount and character of the services performed, the exact duration thereof, and all disbursements made by said wardens, [**Bills approved by wardens and deputy wardens.**—] and must bear the approval of the forest fire warden, and the approval also of the deputy forest fire warden, if said expenses were incurred by the authority of said deputy forest fire warden; [**Bills audited and approved by selectmen or mayor—Town or city makes initial payment.**—] said bill shall be audited and if approved by the selectmen of the town or mayor of the city wherein such services were incurred, shall be paid on the order of the selectmen by the town or city treasurer. **Duplicate filed with State Forester—State reimburses town, or city, for its share.**—A duplicate bill, showing that the same has been audited and paid by the town, shall be filed by the selectmen or the mayor with the state forester, who shall draw his order on the state treasurer in favor of said town or city for the portion of said bill for which the state is liable in accordance with the provisions of this section.<sup>3</sup> [L. 1909, ch. 128, sec. 9; L. 1911, ch. 166, sec. 1.]

**b. To State forester, in unincorporated places.**—The forest fire wardens and the deputy forest fire wardens in

<sup>1</sup> While there is no specific provision fixing the amount of compensation to be paid for the services rendered by parties who are impressed for fire-fighting, by inference it would appear that the forest fire warden, or the deputy forest fire warden, has authority to fix that amount, in each instance, by agreement with the parties concerned, since the law provides that whenever there is a failure to agree the dispute shall be referred, for final settlement, to the commissioners of the county in which the city or town is located.

<sup>2</sup> For preventing and extinguishing fires. (Sec II, 21a.)

<sup>3</sup> See II, 21a.

<sup>1</sup> Including by inference unincorporated places, since the fire wardens and deputy wardens there are clothed with the same powers and duties as wardens elsewhere.



## PART II—Contd.]

unincorporated places shall render to the state forester a statement of such expenses as they have lawfully incurred under this act in fighting or preventing fires in woodlands within one month of the date upon which such expenses are incurred. The aforesaid statement shall show in detail the amount and character of the services performed, the exact duration thereof, and all disbursements so made by the forest fire warden, and the deputy forest fire warden, if said expenses were incurred by the authority of said deputy forest fire warden. **Account audited and approved by the State Forester—Paid by State.**—The aforesaid statement shall be audited by the state forester and if by him approved he shall draw an order upon the state treasurer for the same. **Expenses borne equally by State and unincorporated places.**—The expenses incurred in fighting forest and brush fires and other expenses lawfully incurred by a forest fire warden or a deputy forest fire warden in preventing forest fires in an unincorporated place shall be borne equally by the state and said unincorporated place; [State makes initial payment of total amount—Reimbursed one-half through additional tax on those places.—] but the total expense shall be paid in the first instance from the state treasury, and one half thereof shall be added to the tax assessed the following year against said place in the same manner as is provided by chapter 62 of the Public Statutes for the assessment of taxes in unincorporated places generally. [L. 1909, ch. 128, sec. 10; L. 1911, ch. 166, sec. 1.]

**16. Cooperate with Railroad Deputy Forest Fire Wardens, and Give Notice of, and Combat Fires Along Rights of Way till Relieved by Railroad Officials.**

The forestry commission shall instruct all wardens and other employees of the forestry department to co-operate with the railroad deputies in the prevention and extinguishment of railroad fires, to immediately notify the nearest station agent or railroad deputy upon the discovery of a fire along the right of way, and to combat such fire until the railroad deputy or other railroad official shall assume charge. [L. 1913, ch. 155, sec. 2.]

**17. Examine Portable Steam Mills, and Report to State Forester.**

It shall be the duty of the town forest fire warden to examine portable steam-mills, when requested to do so by the state forester, and make reports on the same in such form as the state forester may require. [L. 1911, ch. 95, sec. 2.]

**18. Make Reports to District Chiefs or to the State Forester.**

Forest fire wardens and deputy forest fire wardens shall make reports to the district chief of the district in which they are located or to the state forester at such time and in such form as the state forester may require. [L. 1909, ch. 128, sec. 11; L. 1911, ch. 166, sec. 1.]

**19. Forfeitures for Neglect or Refusal to Perform Duties.**

If any forest fire warden or deputy forest fire warden provided for in this act shall wilfully neglect or refuse to

perform the duties prescribed for him he shall forfeit not less than \$100 nor more than \$500, [Recovered in an action for debt, upon complaint of the forestry commission.—] to be recovered in an action for debt, upon complaint of the forestry commission [Paid into State Treasury.—] and all forfeitures so recovered shall be paid into the state treasury. [L. 1909, ch. 128, sec. 17; L. 1911, ch. 166, sec. 1.]

**Additional Duties.**

*Issue permits for:*

*Kindling fires or burning brush in or near woodlands when ground not covered with snow. (See II, 23b.)*

*Kindling fires on public lands. (See II, 23a.)*

*Burning slash on lands adjacent to rights of way of railroads and public highways. (See II, 35.)*

*Burning trees or brush within highway limits. (See II, 36c.)*

*Arrest violators, without warrant, and bring them before a justice. (See II, 37a, b.)*

*Report to State forester the circumstances of violation when persons are not taken in the act. (See II, 38.)*

*File complaint against parties who, upon discovering forest or brush fires, fail to extinguish or report them. (See II, 39.)*

*Travelling expenses allowed when attending forest fire conferences. (See II, 22 ¶1.)*

**FISH AND GAME WARDENS.**

**20. Fire Duties.**

a. **Caution persons as to danger of causing fires in forests.**—It shall be the duty of all such wardens while in and about the forests, to caution persons of the danger from fires in the forests, and to extinguish a fire left burning if in their power.

b. **Give timely notice, to parties affected and to town forest fire wardens, of fires beyond control.**—It shall be their duty to give notice to all parties interested when possible, and to the forest fire warden of the town interested in particular, of fires threatening to extend beyond control.

c. **Exercise powers of town forest fire wardens, pending his arrival.**—Pending the arrival of such fire warden, they shall assume all the powers of such wardens as provided by statute. [L. 1915, ch. 133, sec. 69.]

**OTHER OFFICIALS AND CITIZENS.**

**Patrolmen.**

*Employed by State forester. (See II, 3.)*

*Wardens and deputy wardens, or agents designated by them, serve as. (See II, 12.)*

*Railroad employees organized to maintain a system of patrol. (See II, 27.)*

**Fire-fighting laborers.**

*Impressed by wardens and deputy wardens. (See II, 14 ¶1.)*

*Penalty for refusing to assist, or allow use of property. (See II, 14 ¶1.)*

*Compensation for property used. (See II, 14 ¶2.)*

*Compensated for services. (See II, 14 ¶3, footnote.)*



## PART II—Contd.]

**Selectmen of towns and mayors of cities.**

*Recommend appointment of wardens and deputy wardens in towns and cities.* (See II, 10a.)

*Audit and approve forest fire expense accounts of wardens and deputy wardens in towns and cities.* (See II, 15a.)

**Governor.**

*Proclaims close season for hunting during season of drought.* (See II, 24.)

**Public service commission.**

*Enforces railroad fire provisions.* (See II, 25 ¶2.)

**Expert foresters from without the State.**

*Attend conferences of forest fire wardens.* (See II, 5 ¶2.)

*Travelling expenses paid by the State.* (See II, 22 ¶2.)

**EXPENDITURES.****STATE.****21. Pays One-Half the Cost of Preventing and Fighting Forest Fires.**

*a. In towns and cities.*—The expenses of fighting forest and brush fires in towns and cities and other expenses lawfully incurred by forest fire wardens and deputy forest fire wardens of said towns and cities in preventing forest fires, shall be borne equally by the town or city and by the state. [L. 1909, ch. 128, sec. 9; L. 1911, ch. 166, sec. 1.]

*b. In unincorporated places.*—(See II, 15b.)

*c. Method of payment.*—See II, 15a, b.)

**22. Pays Travelling Expenses of Forestry Officials and Experts Attending Forest Fire Conferences.**

¶1. Those summoned by the state forester [to forest fire conferences<sup>1</sup>] shall be allowed their traveling expenses in attending such conferences. ¶2. \* \* \* the said experts<sup>2</sup> to be paid their necessary traveling expenses. [L. 1909, ch. 128, sec. 25; L. 1911, ch. 166, sec. 2; L. 1915, ch. 127, sec. 1.]

**Other Payments.**

*Pays, out of the fish and game fund, costs of publishing and posting proclamations suspending open season for hunting during time of drought.* (See II, 24 ¶3.)

**TOWNS, CITIES, AND UNINCORPORATED PLACES.****Towns and Cities.**

*Pay one-half of the costs of preventing and fighting forest fires.* (See II, 21a.)

*Make initial payment of whole amount.* (See II, 15a.)

**Unincorporated Places.**

*Pay, indirectly, through a tax, one-half of the costs of preventing and fighting forest fires.* (See II, 15b.)

<sup>1</sup> See II, 5 ¶1.

<sup>2</sup> See II, 5 ¶2.

**KINDLING FIRES IN THE OPEN.****PERMIT RESTRICTIONS.****23. Camp Fires and all other Fires in the Open.**

*a. On any public or private land, except with the consent of the custodian.*—No person shall kindle a fire upon public land without permission first had from the forestry commission, state forester, district chief [,] forest fire warden, deputy forest fire warden, or from the official caretaker of such public land. No person shall kindle a fire upon the land of another without permission first had from the owner thereof or from the owner's agent. [L. 1909, ch. 128, sec. 12; L. 1911, ch. 166, sec. 1.]

*b. On or near all forest lands, except with the consent of a forest fire warden, or when ground is covered with snow.*—No person shall kindle a fire or burn brush in or near woodland, except when the ground is covered with snow,<sup>1</sup> without the written permission of the forest fire warden, or the presence of the forest fire warden or person appointed to represent him. [L. 1909, ch. 128, sec. 13; \* \* \*; L. 1915, ch. 142, sec. 1.]

*c. Penalties: ¶1. For setting fires without consent of owner and of forest fire warden.*—Fires kindled by throwing down a lighted match, cigar, or other burning substance, shall be deemed within the provisions of sections 12<sup>2</sup> and 13,<sup>3</sup> and every person violating any provision of said sections shall be fined not more than two hundred dollars, or imprisoned not more than sixty days, or both. [L. 1909, ch. 128, sec. 14.] ¶2. *For failing to extinguish fires.*—Whoever by himself or by his servant, agent or guide, or as the servant, agent or guide of any other person, shall build a camp, cooking, or other fire, or use an abandoned camp, cooking, or other fire in any, or adjacent to any, woods in this state, shall before leaving said fire totally extinguish the same, and upon failure to do so such person shall be punished by a fine not exceeding fifty dollars. **Exception: (Fires on sea beach).**—*Provided* that such fires built upon the sea beach in such situation that they cannot spread into forest, wood or cultivated land, or meadows, shall not be construed as prohibited by this act. [L. 1911, ch. 151, sec. 1.]

**OTHER PRECAUTIONARY RESTRICTIONS.****24. Close Season for Hunting May be Proclaimed During Season of Drought.**

¶1. Whenever during an open season for hunting it shall appear to the governor that by reason of drought the use of firearms in forests is liable to cause forest fires, he may by proclamation suspend such open season for such time as he may designate. [L. 1915, ch. 133, sec. 10 (a).] **Laws for close season in force, and an additional penalty imposed for shooting animals not included thereunder.**—¶2. During the time which shall by such proc-

<sup>1</sup> See also special brush and slash disposal provisions in II, 35; 36.

<sup>2</sup> See subsec. a.

<sup>3</sup> See subsec. b.



## PART II—Contd.]

lamation be made a close season, all provisions of law covering and relating to the close season shall be in force, and a person violating a provision of the same shall be subject to the penalties therein prescribed. A person who, during the close season fixed by the governor as provided in the preceding paragraph, shoots a wild animal or bird, for the hunting of which there is no close season otherwise provided by law, shall be fined not exceeding fifty dollars. [L. 1915, ch. 133, sec. 10 (b).] **Publication and posting of proclamation—Copy to fish and game commissioners—Payment of expenses.**—[3. Such proclamation shall be published in such newspapers of the state and posted in such places and in such manner as the governor may order. A copy of such proclamation and order shall be furnished to the commission [fish and game commissioners], who shall attend to the publication and posting thereof. The expenses of such publication and posting shall be paid out of the fish and game fund.<sup>1</sup> [L. 1915, ch. 133, sec. 10 (c).]

**RAILROADS.****25. Equip Locomotives with Approved Spark Arresters and Ash Pans, and Require Employees to Maintain Them in Good Condition.**

[1. Every railroad company or corporation operating locomotives within the state shall, subject to the approval of the public service commission, equip and maintain in good condition a spark arrester and a suitable ash pan on every engine, [Exceptions: Oil and electric engines.—] except such engines as are operated by oil or electricity; and shall require its employees operating such engines to exercise due care to keep such devices in good order and to prevent the escape of live coals or sparks which may cause fires along the right of way; and \* \* \* **Compliance enforced by public service commission.**—[2. In carrying out this section, the public service commission may serve orders and enforce compliance with such orders as provided in chapter 164, Laws of 1911,<sup>2</sup> and amendments thereto. [L. 1913, ch. 155, sec. 1.]

**26. Issue Instructions to Employees on Fire Prevention and Extinguishment.**

Railroad companies shall promulgate among their employees instructions for the prevention and extinguishment of fires along the right of way; and \* \* \* [L. 1913, ch. 155, sec. 3.]

**27. Organize and Maintain System of Patrol, through Railroad Deputies or Other Officials, During Danger Seasons.**

[Railroad companies] shall, through the railroad deputies or other officials, organize and maintain a system of

patrol during dry weather along the sections of its right of way where there is danger of fire. **Failure to patrol, not evidence of negligence to debar railroads from insurance on property.**—The fact that a section of the right of way was not patrolled shall not be admissible as evidence of negligence to debar such railroad from insurance on property, as provided in chapter 159 of the Public Statutes.<sup>1</sup> [L. 1913, ch. 155, sec. 3.]

**28. Make and Enforce Regulations for Signalling and Notifying Employees about Fires.**

[Every railroad company or corporation operating locomotives within the State] shall[, ] subject to the approval of the public service commission, make and enforce regulations for the giving of fire signals and notifications of the existence and location of fires along the right of way to its employees. [L. 1913, ch. 155, sec. 1.] **Compliance enforced by public service commission.**—(See II, 25 ¶2.)

**29. Enter upon and Clear Adjacent Forest or Brush Lands.**

Railroad companies shall have the right, subject to the provisions of this section, to enter upon forest or brush land adjacent to the right of way, without liability for trespass, for the purpose of clearing brush, grass and inflammable material from such land for a distance of twenty-five feet from the railroad right of way, [Compensation to owner.—] but shall not remove valuable timber growth without recompense to the owner. **Notice required.**—Prior to making such a clearing, the railroad company shall give the owner thereof notice of its intention by letter deposited in the United States mail to his last known address, and thereafter by publishing said notice at least once in two papers of general circulation in the county. Said notice shall quote section 4 of this act. **Failure of owner to file objections, deemed consent.**—If the owner shall not file an objection to such clearing with the public service commission within fifteen days from the date of such publication, he shall be deemed to have given consent. **Public service commission determines case, upon a hearing, when objections are filed.**—Upon the filing of such an objection by an owner, the public service commission shall notify the owner the time and place when he may appear to show cause why such clearing should not be done. After a hearing, the public service commission may sustain the objection or permit the clearing to be done and may prescribe the extent and methods of any and all such clearings. **May secure assistance from forestry commission and State forester.**—The public service commission may require the assistance of the forestry commission and the state forester in furnishing information pertinent to the carrying out of this section.<sup>2</sup> [L. 1913, ch. 155, sec. 4.]

<sup>1</sup> See II, 31.

<sup>2</sup> In view of the provisions in II, 29; 35, the taking of lands or of rights and easements therein, by railroads, for purposes of fire protection, under sec. 2 of the Public Service Commission act, is rendered practically unnecessary. (See ch. 125, L. 1913, in volume of Session Laws.)

<sup>1</sup> These provisions in the fish and game act (L. 1915, ch. 133) appear to have replaced the earlier provisions contained in L. 1909, ch. 59.

<sup>2</sup> Act establishing a public service commission. (See volume of Session Laws.)



## PART II—Contd.]

## LIABILITY.

## Criminal.

(See II, Legal Procedure—Criminal, on p. 10.)

## 30. Civil.

*a. For fire-fighting costs.*—All just and proper expenses incurred in extinguishing forest or brush fires caused by the railroad company or its employees shall be paid by such railroad company; [Payment, not evidence of company's liability.—] but the fact that such payment has been made shall not be admissible as evidence that such fire was so caused. [L. 1913, ch. 155, sec. 2.]

*b. For fire damages to person or property.*—The proprietors of every railroad shall be liable for all damages to any person or property by fire or steam from any locomotive or other engine upon their road. [R. S. 1842, ch. 142, sec. 8; \* \* \*; Pub. Stat., 1900, ch. 159, sec. 29.]

## 31. Insurable Interest in Property Exposed to Injury along Their Routes.

*a. Insurance effected by the company.*—Such proprietors [proprietors of every railroad] shall have an insurable interest in all property situate upon the line of their road which is exposed to such damage, and they may effect insurance thereon for their own benefit. [R. S. 1842, ch. 142, sec. 9; \* \* \*; Pub. Stat., 1900, ch. 159, sec. 30.]

*b. Insurance effected by the owner.*—Such proprietors shall be entitled to the benefit of any insurance effected upon such property by the owner thereof, less the cost of premium and of expense of recovery. *Method of recovery.*—The insurance shall be deducted from the damages if recovered before the damages are assessed, or if not, the policy shall be assigned to the proprietors, who may maintain an action thereon. [L. 1861, ch. 2489, sec. 1; \* \* \*; Pub. Stat., 1900, ch. 159, sec. 31.]

## EMPLOYEES.

## 32. Section Foremen and Others Appointed Deputy Forest Fire Wardens.

The state forester is hereby authorized to appoint as deputy forest fire wardens the section foremen or such other railroad employees as the authorized officials of the railroad may recommend. [L. 1913, ch. 155, sec. 2.]

## 33. Powers and Duties.

*Same as forest fire wardens', with modifications.*—¶1. Such deputies when so appointed shall be vested with the powers and duties of deputy forest-fire wardens as provided in chapter 128, Laws of 1909, and amendments thereto,<sup>1</sup> except as such powers and duties are limited or extended by this act.<sup>1</sup> Railroad deputies thus appointed shall extinguish and supervise the fighting of forest and brush fires originating along the railroad right of way, [Attendance on fires limited to those along the railroad right of way.—] but shall not be required to supervise the fighting of fires

which do not originate along the right of way. \* \* \* *Take prompt action in case of fires.*—¶2. A railroad deputy who receives notice of the existence of a fire adjacent to the right of way shall proceed forthwith to extinguish it. [L. 1913, ch. 155, sec. 2.]

## PORTABLE STEAM MILLS.

## 34. Required to be Equipped with Approved Spark Arresters Except when Ground is Covered with Snow.

¶1. No person, except when the ground is covered with snow, shall operate any portable steam-mill unless the same is provided with a suitable spark arrester, approved by the state forester. *Approval and revocation must be in writing, and signed by State forester.*—Such approval shall be in writing, signed by the forester, and said approval may be revoked by the state forester in the same manner. [L. 1911, ch. 95, sec. 1.] *Penalty.*—¶2. Any person operating a portable steam-mill when the ground is not covered with snow, without a suitable spark arrester and the approval of the state forester, as herein provided, and any owner or part owner of said mill knowingly permitting its operation, shall be fined not less than fifty dollars and not more than one hundred dollars. [L. 1911, ch. 95, sec. 3.] *Subject to examination by State forester.*—¶3. It shall be the duty of the state forester to examine all portable steam-mills, or cause them to be examined, whenever he deems it necessary, to determine whether they are provided with suitable spark arresters, and whether the same are kept in constant use, as provided for in section 1 of this act.<sup>1</sup> [L. 1911, ch. 95, sec. 2.] *Examination and report made by town forest fire wardens, upon request from State forester.*—(See II, 17.)

## COMPULSORY BRUSH AND SLASH DISPOSAL.

## INCIDENT TO LUMBERING.

## 35. Adjacent to Rights of Way of Steam or Electric Railroad, or Public Highway.

On and after July 1, 1915, any person, firm or corporation cutting wood or lumber on property adjacent to the right of way of any steam or electric railroad or public highway shall dispose of the slash caused by such cutting in such a manner that the inflammable material shall not remain on the ground within forty (40) feet of the right of way of any steam railroad, or within twenty (20) feet of the right of way of any electric railroad or the traveled part of any public highway. *Penalty—Limitation of time for disposing of material.*—Any operator of wood or timber on such land, or any owner of such land where cutting is done, may be fined not more than ten dollars for each acre of such land or fraction thereof from which the inflammable material is not properly disposed of within sixty days from the cutting of the trees thereon; *provided*, that any owner or operator who cuts wood or timber during the winter, after November 1, shall have until May 1 in Grafton, Carroll and Coös counties, and until April 1 in other

<sup>1</sup> See table, on p. 13.

<sup>1</sup> See ¶1 of this section.



## PART II—Contd.]

counties, to remove the slash in accordance with the provisions of this section. **Permit from town forest fire warden required for burning slash.**—If such slash is destroyed by burning, such burning shall be done with the permission of the town forest fire warden. **Forestry Commission charged with execution of provisions.**—The Forestry Commission is hereby charged with the execution of this section. **Liability of owners or operators.**—All owners or operators shall be required to use due care in clearing such land, and shall not be relieved of liability for damage imposed by chapter 128, Laws of 1909, and amendments thereto;<sup>1</sup> but no owner of such land shall be liable for damages resulting from fires not set by himself or his agents. [L. 1913, ch. 155, sec. 6; L. 1915, ch. 100, sec. 1.]

## INCIDENT TO PUBLIC WORKS.

## 36. Within Highway Limits.

*a. Local administrative officers have jurisdiction over disposal, other than by burning, on other than State highways.*—Mayors of cities, selectmen of towns, and county commissioners for unincorporated places, shall annually during the months of August or September, and at other times when advisable, cause to be cut and disposed of from within the limits of the highway, all trees and bushes that cause damage to the highway, traveling public, or that are objectionable from the material or artistic standpoint. \* \* \*

*b. State highway department has jurisdiction over disposal other than by burning, on State and trunk-line highways.*—On all state roads and trunk-line highways the plan of carrying out the provisions of this act shall be under the supervision of the State Highway Department. Said department shall make such rules and regulations for the purpose of carrying out the provisions of this act as shall, in its judgment, seem for the best interests of the state.

*c. Forest fire wardens have jurisdiction over disposal by burning on all classes of highways.*—Whenever any trees or brush cut along the highway are disposed of by burning, the cut trees or brush shall be removed a safe distance from any adjoining woodland or from any tree or hedge designated or desirable for preservation, and such burning shall be done with the permission of the forest fire warden. **Limitation of time.**—All trees or brush thus cut from within the limits of the highway shall be disposed of within 30 days from the cutting thereof. [L. 1901, ch. 98, sec. 7; \* \* \*; L. 1915, ch. 138, sec. 1.]

*d. Penalty.*—Persons violating any of the provisions of this act shall forfeit not less than five nor more than one hundred dollars, to be recovered in an action of debt by the tree warden or any other person for the benefit of the town or city in which the tree is situated, or be fined not less than five or more than one hundred dollars. [L. 1901, ch. 98, sec. 8.]

<sup>1</sup> See table, on p. 13.

## LEGAL PROCEDURE.

## CRIMINAL.

## 37. Officials Arrest, without Warrant, when Persons are Taken in the Act of Violating the Following:

*a. Any law for the protection of forest lands.*—The state forester, or the forest fire warden, or the deputy forest fire warden, may arrest, without a warrant, any person or persons taken by him in the act of violating any of the laws for the protection of forest lands, and bring such person, or persons forthwith before a justice of the peace or other justice having jurisdiction, [Justices dispose of cases.—] who shall proceed without delay to dispose of the matter as justice may require. [L. 1909, ch. 128, sec. 15; L. 1911, ch. 166, sec. 1.]

*b. Any order or warning concerning the kindling and extinguishment of fires on the lands of another.*—If, in or near woodlands, any person, other than the owner of said land or his agents acting under his direction, shall build a fire when warned not to do so by an authorized official, or shall fail to extinguish a fire when ordered to do so by an authorized official, he may be arrested by such official without a warrant. [L. 1909, ch. 128, sec. 4; L. 1911, ch. 166, sec. 1.]

## 38. Officials Report to State Forester the Circumstances of Violations when Persons are not Taken in the Act.

If a warden has any reason to believe that any forest or brush fire in his city or town was caused in violation of statute he shall report to the state forester all the facts coming within his knowledge. **State forester lays facts before attorney general of the State.**—The state forester may then bring the facts before the attorney general of the state, [Attorney general takes action to recover penalty.—] who if the facts as reported to him seem to be sufficient, shall take action to recover the penalty fixed by statute for such violation. [L. 1909, ch. 128, sec. 11; L. 1911, ch. 166, sec. 1.]

## 39. Officials Enter Complaint Against Persons Liable to a Fine for Failure to Extinguish or Report Fires.

It shall be the duty of any person who discovers a forest or brush fire not under control or supervision of some person to extinguish it or report it immediately to the forest fire warden or deputy forest fire warden or official in charge of forest protection, and failure so to do shall be punished by a forfeiture not exceeding ten dollars to be recovered upon the complaint of the warden. [L. 1909, ch. 128, sec. 18; L. 1911, ch. 166, sec. 1.]

## 40. Fines Under Forestry Act Paid into State Treasury as a Special Fund for Prevention and Suppression of Forest Fires.

All moneys received from fines imposed under and by virtue of the provisions of this act<sup>1</sup> shall be paid to the state treasurer and kept by him as a separate fund, [Paid

<sup>1</sup> See table, on p. 13.



## PART II—Contd.]

out on requisition of State forester.—] to be paid out by him upon the requisition of the state forester, for use in connection with the prevention and suppression of forest fires. [L. 1909, ch. 128, sec. 19; L. 1911, ch. 166, sec. 1.] **Forfeitures paid into State treasury.**—(See II, 19.)

## PART III.—PUBLIC FORESTS.

(This part comprises the provisions of law, if any, for the establishment and care of State and municipal forests, and for the practice of forestry on these and on other lands owned by the State.)

## STATE FORESTS.

## 1. Lands Acquired by Several Means.

**a. By purchase with State appropriations:** ¶1. **Regular appropriations.**—The commission is empowered to purchase, with the consent of the governor and council, suitable tracts of land for use in demonstrating the principles of forestry, and \* \* \* [L. 1909, ch. 128, sec. 20; L. 1911, ch. 166, sec. 1.] ¶2. **Special appropriation.**— \* \* \*

**NOTE.**—Special appropriation is made for purchase, by the governor, with the advice of the council and the forestry commission, of such lands as may be deemed necessary for the preservation of the forests in the tract known as the Crawford Notch for the purpose of a forest reservation and State park. (See, in volumes of Session Laws, secs. 1, 2, ch. 130 of L. 1911, and ch. 264 of L. 1913.)

**b. Through gift:** ¶1. **Of money with which to purchase.**—Whenever any person or persons shall supply the necessary funds therefor, so that no cost or expense shall accrue to the state, the forestry commission is hereby authorized to buy any tract of land and devote the same to the purposes of a public reservation. **Exercise of right of eminent domain.**—If they cannot agree with the owners thereof as to the price, they may condemn the same under the powers of eminent domain, and the value shall be determined as in the case of lands taken for highways, with the same rights of appeal and jury trial. **Title vests in State.**—On the payment of the value as finally determined, the land so taken shall be vested in the state, and forever held for the purposes of a public reservation. ¶2. **Of the land direct.**—The commission is empowered to receive in the name of the state free gifts of land for the purposes of forestry, in such manner that no cost of purchase shall accrue to the state, and may arrange for the registration of necessary papers. \* \* \* [L. 1909, ch. 128, sec. 20; L. 1911, ch. 166, sec. 1.]

## 2. Management.

**a. Of tracts acquired with State appropriations:** ¶1. **Regular appropriations.**—[The forestry commission may] make provisions for the management of the same, [tracts purchased with regular State appropriations], as is advisable within the limits of the appropriation. [L. 1909, ch. 128, sec. 20; L. 1911, ch. 166, sec. 1.] ¶2. **Special appropriation.**— \* \* \*

**NOTE.**—Special provision is made for the care and management of the Crawford Notch tract by the forestry commission. (See sec. 4, ch. 130, L. 1911,

## CIVIL.

## 41. For Permitting Fire to Spread to Lands of Another.

Every person who shall set fire on any land, that shall run upon the land of any other person, shall pay to the owner all damages done by such fire. [L. 1909, ch. 128, sec. 16.]

in volume of Session Laws.) Sale of the tract by the governor and council is also provided for in ch. 203, L. 1913. (See volume of Session Laws.)

**b. Of tracts acquired by gifts of money:** ¶1. **Forestry commission protects lands and improves forest conditions.**—The forestry commission may take means for the protection of such reservation [tracts purchased with donated funds] from forest fires, and, as far as compatible with the wishes of the donor, may plant and remove trees and otherwise improve the forest conditions. ¶2. **Donors improve lands under direction of forestry commission.**—The persons furnishing the money to buy said land shall be at liberty to lay out roads and paths on the land, and otherwise improve the same under the direction of the forestry commission, and [Tracts open to use of public.—] the tract shall at all times be open to the use of the public.

**c. Of tracts acquired by gifts of land: Forestry commission provides for protection and management.**—[The forestry commission may] map and survey the land, [acquired through gift direct], protect it from fire, plant, cut and otherwise improve the forests as it is advisable within the limits of the appropriation.<sup>1</sup> [L. 1909, ch. 128, sec. 20; L. 1911, ch. 166, sec. 1.]

## 3. Revenues from State Lands, Except those from State Nurseries, go into State Treasury.

All revenue derived from the sale of forest products from state land shall revert to the state treasury, [Exception: Revenues from State forest nursery.—] except the revenue derived from the state nursery, which shall be re-invested in the state nursery by the forestry commission. [L. 1909, ch. 128, sec. 20; L. 1911, ch. 166, sec. 1.]

## OTHER STATE LANDS.

## LANDS ACQUIRED FOR PURPOSE OF REFORESTATION.

## 4. Forestry Commission Empowered to Acquire.

For the purpose of reforesting waste and cut-over land, the forestry commission is hereby instructed and authorized to promulgate throughout the state the offers made by section 2 of this act.<sup>2</sup> [L. 1915, ch. 163, sec. 1.]

## 5. Are Acquired by Gift.

¶ 1. Whenever any person or persons shall deed to the state any tract of land adapted for forest growth, so that no cost of purchase shall accrue to the state, the Forestry

<sup>1</sup> Special provision is made for the care and management, in like manner, by the forestry commission, of the tract known as the General Miller Park. (See ch. 187, L. 1915, in volume of Session Laws.)

<sup>2</sup> See table, on p. 13.



## PART III—Contd.]

Commission is authorized to accept and hold such tracts in the name of the state, and \* \* \* **Limitation as to amount that may be acquired from any person, firm, or corporation.**—¶ 2. \* \* \* nor shall the state accept a deed from any person, firm, or corporation that is, on the date of such proposed conveyance, the owner of any lands which shall have been reforested by the state. [L. 1915, ch. 163, sec. 2.]

#### 6. Reconveyed to Original Donor by Reimbursement of State for Improvements Made.

The donors of such land,<sup>1</sup> or their heirs and assigns, shall have the right, within ten years from the date of conveyance, to purchase it from the state at the cost of improvements with interest at four per cent per annum, and the secretary of state shall, upon the recommendation of the Forestry Commission, convey such land to said donor or donors. [L. 1915, ch. 163, sec. 2.]

#### 7. Control and Management.

**a. Forestry commission controls and manages lands.**—[The forestry commission is authorized] to reforest, protect, and manage them<sup>2</sup> subject to the limitations of this section.<sup>3</sup>

**b. Reforestation limited to 25 acres:** ¶1. In any one tract, annually.—The state shall not be required to reforest more than twenty-five acres of any tract acquired under this act in any one year. ¶2. For any one owner.—Not more than twenty-five acres of land shall be reforested by the state for any one person, firm, or corporation, \* \* \*

**c. Extinguishment of fires.**—Any forest fire on such tracts shall be extinguished as provided in chapter 128, Laws of 1909, and amendments thereto.<sup>1</sup>

**d. Sale of land, or of wood and timber.**—If the donor, or his heirs or assigns, shall not acquire the land within ten years from the date of conveyance, such land may be sold, or the wood and timber thereon may be sold, by the Forestry Commission, with the approval of the Governor and Council; provided, that such sale shall be advertised and awarded to the highest bidder, and the state may reject any such bids.

**e. Revenues derived from lands to be paid into State treasury.**—All revenue from the sale of such tracts, or of the wood and timber thereon, shall revert to the state treasury. [L. 1915, ch. 163, sec. 2.]

### MUNICIPAL FORESTS.

#### 8. Towns and Cities Authorized to Acquire and Hold Lands for Forestry Purposes.

Towns and cities may at any legal meeting grant and vote such sums of money as they shall judge necessary to purchase, manage and improve lands for the purpose of growing wood and timber. [L. 1913, ch. 27, sec. 1.]

#### 9. Managed under Direction of State Forester.

Any lands so purchased shall be managed under the direction of the state forester. [L. 1913, ch. 27, sec. 2.]

#### 10. Proceeds Turned into Town Treasury.

The net proceeds, after deducting necessary expenses, from the sale of wood and timber from such lands shall be turned into the town treasury. [L. 1913, ch. 27, sec. 3.]

## PART IV.—TAXATION.

(This part comprises the provisions of law, if any, covering the classification and taxation of forested lands and lands to be forested, the purpose of which is to encourage the practice of forestry by private owners; also such bounty and exemption laws as have a like purpose. For similar taxation provisions, if any, concerning State or municipal forests, or other State lands, see Part III.)

### REBATE OF TAXES TO ENCOURAGE FOREST PLANTING.

#### 1. On Lands Planted with not Less than 1,200 Timber or Forest Trees.

In consideration of the public benefit to be derived from the planting and cultivation of timber or forest trees, the owners of any and all land which shall be planted with timber or forest trees, not less than 1,200 to the acre, shall be entitled, from and after the first day of April, 1903, to a rebate of the taxes assessed upon said land as follows: [Rates of rebate.—] For the first ten years after the land has been so planted, a rebate of ninety per cent. of all the taxes assessed upon said land; for the second period of ten years after such planting a rebate of eighty per cent. of all said taxes and for the third and final period of rebate after

such planting, a rebate of fifty per cent. of all said taxes. **Rebate conditioned on trees being kept in sound condition.**—Said rebate to be allowed only on condition that said planted trees are kept in sound condition. **Return of planting made annually to selectmen.**—A return of such planting shall be made to the selectmen when taking the annual inventory, which return shall be verified by the selectmen and made the basis of such tax exemption. **Thinning allowed after ten years.**—After said trees have been planted ten years it shall be lawful for the owners to thin out the same so that not less than six hundred trees shall be left to the acre; [Clearing of land prohibited during period of rebate.—] but no portion of said planted land shall be absolutely cleared of trees during the period for which said rebate may be allowed. [L. 1903, ch. 124, sec. 1.]

<sup>1</sup> See III, 5 ¶1.

<sup>2</sup> Tracts acquired as provided in III, 5 ¶1.

<sup>3</sup> See table on p. 13.

<sup>1</sup> See table, on p. 13.



## TABLE OF ACTS.

Legislation, as amended through Reg. Sess., 1915.	Equivalent references <sup>1</sup> in this compilation. (Serial 1.)	Legislation, as amended through Reg. Sess., 1915.	Equivalent references <sup>1</sup> in this compilation. (Serial 1.)
(Codes.)		(Session Laws subsequent to Code)—Contd.	
Public Statutes, 1900, ch. 159, sec. 29.....	II, 30b.	L. 1909, ch. 128, sec. 24.....	II, 4a, b, c, d.
30.....	II, 31a.	25.....	II, 5 ¶1; 22 ¶1; 5 ¶2; 22 ¶2.
31.....	II, 31b.	26.....	II, 3.
Revised Statutes, 1842, ch. 142, sec. 8.....	(Same as Public Statutes, 1900, ch. 159, sec. 29.)	L. 1911, ch. 95, sec. 1.....	II, 34 ¶1.
9.....	(Same as Public Statutes, 1900, ch. 159, sec. 30.)	2.....	II, 34 ¶3; 17.
(Session Law included in Code.)		151, 1.....	II, 34 ¶2.
L. 1861, ch. 2489, sec. 1.....	(Same as Public Statutes, 1900, ch. 159, sec. 31.)	166, 1.....	II, 23c ¶2.
(Session Laws subsequent to Code.)			(Same as L. 1909, ch. 128, secs. 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 17, 18, 19, 20.)
L. 1901, ch. 98, sec. 7.....	II, 36a, b, c.	2.....	(Same as L. 1909, ch. 128, secs. 23, 24, 25, 26.)
8.....	II, 36d.	L. 1913, ch. 27, sec. 1.....	III, 8.
L. 1903, ch. 124, sec. 1.....	IV, 1.	2.....	III, 9.
3[2].....	I, 2.	3.....	III, 10.
L. 1909, ch. 128, sec. 1.....	I, 1.	155, 1.....	II, 25 ¶1; 28; 25 ¶2.
2.....	I, 3 ¶1; 4; 3 ¶2; 5; 8a; II, 2; I, 6; 7; 10.	2.....	II, 32; 33 ¶1; 16; 33 ¶2; 30a
3.....	I, 8b.¶.	3.....	II, 26; 27.
4.....	II, 10a; 12; 13; 37b.	4.....	II, 29.
5.....	II, 10b.	5.....	II, 6a.
6.....	II, 1; 7; 8; 9.	6.....	II, 35.
7.....	II, 14 ¶1; 11; 14 ¶2.	159, 1.....	(Same as L. 1909, ch. 128, sec. 2.)
8.....	II, 14 ¶3.	2.....	(Same as L. 1909, ch. 128, sec. 6.)
9.....	II, 21a; 15a.	L. 1915, ch. 12, sec. 1.....	II, 4d.
10.....	II, 15b.	100, 1.....	(Same as L. 1913, ch. 155, sec. 6.)
11.....	II, 18; 38.	127, 1.....	(Same as L. 1909, ch. 128, sec. 25.)
12.....	II, 23a.	133, 10 subsec. (a).....	II, 24 ¶1.
13.....	II, 23b.	(b).....	II, 24 ¶2.
14.....	II, 23c ¶1.	(c).....	II, 24 ¶3.
15.....	II, 37a.	69 (in part).....	II, 20a, b, c.
16.....	II, 41.	138, 1.....	(Same as L. 1901, ch. 98, sec. 7.)
17.....	II, 19.		
18.....	II, 39.	142, 1.....	(Same as L. 1909, ch. 128, sec. 13.)
19.....	II, 40.	163, 1.....	III, 4.
20.....	III, 1b ¶1; 2b ¶2, ¶1; 1b ¶2; 2c; 1a ¶1; 2a ¶1; 3.	2.....	III, 5 ¶1; 7a; 6; 7d, b ¶1, c, e, b ¶2; 5 ¶2.
21.....	(Omitted. <sup>2</sup> )	3.....	I, 8b ¶2.
22.....	(Omitted. <sup>3</sup> )		
23.....	I, 9.		

<sup>1</sup> References are given in the order in which the subject matter occurs in the original text. In reconstructing the text of any act herein compiled, bracketed matter found introducing a section or paragraph should be ignored, since the material has already been presented elsewhere in its proper relation to the original text of the act being reconstructed. (See above, L. 1913, ch. 155, sec. 1; II, 28.)

<sup>2</sup> Temporary appropriation.

<sup>3</sup> Repealing clause.

